

**SPECIAL MEETING  
CANTON CITY COUNCIL  
8:30 A.M., APRIL 3, 2020**

Canton City Hall  
201 N. Buffalo, Canton, Texas 75103

**AGENDA**

**NOTICE REGARDING PUBLIC PARTICIPATION**

**In an effort to reduce in-person meetings that assemble in large groups of people, due to the COVID-19 public health emergency, Governor Abbott has granted a temporary suspension of certain rules, including portions of the Texas Open Meetings Act to allow for public meetings by telephone or video-conference.**

**In an effort to reduce the spread of the virus for the April 3, 2020, City Council meeting, individuals will be able to listen to the meeting on KWJB 95.1 FM & 1510 AM and will be able to address the Council via Facebook Live at <https://www.facebook.com/CantonTexas/> or by dialing in at 978-990-5000 / Access Code 128289. If you are unable to connect via these methods, please call 903-567-2826. DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY, CITY HALL WILL NOT BE ACCESSIBLE TO THE PUBLIC AND ONLY CITY COUNCIL AND CITY STAFF WILL BE ATTENDING THE MEETING IN PERSON.**

1. CALL MEETING TO ORDER AND DECLARE A QUORUM PRESENT

**EXECUTIVE SESSION**

**In accordance with the authority contained in the Texas Government Code, Chapter 551, including but not limited to, Sections 551.071, 551.072, 551.074 and 551.087. Council will convene in closed or executive session to discuss the following matters.**

2. EXECUTIVE SESSION FOR CONSULTATION WITH ATTORNEY REGARDING EXISTING OR POTENTIAL LITIGATION (SECTION 551.071) PENDING OR POTENTIAL LITIGATION WITH NEW BEGINNING COVENANT CHURCH OF HOUSTON, INC. AND/OR JOE DONALSON, INCLUDING: CITY OF CANTON VS. NEW BEGINNINGS COVENANT CHURCH OF HOUSTON, INC. (CASE NO. 19-00085, PENDING IN THE 294<sup>TH</sup> DISTRICT COURT OF VAN ZANDT COUNTY, TEXAS); NEW BEGINNINGS HOUSTON ET AL V. LONNY CLUCK ET AL (CASE NO. 6:19-CV-00177-JDK), AND OTHER RELATED STATE AND FEDERAL COURT LITIGATION
3. AGENDA ITEMS 5 AND 6 (CONSULTATION WITH ATTORNEY REGARDING LEGAL MATTERS PERTAINING TO LISTED AGENDA ITEMS)

### RETURN TO OPEN SESSION

4. RECONVENE TO OPEN SESSION AND CONSIDER ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION
5. DISCUSSION AND CONSIDER APPROPRIATE ACTION REGARDING THE CITY OF CANTON'S RESPONSE TO THE URGENT PUBLIC NECESSITY CONCERNING COVID-19, INCLUDING BUT NOT LIMITED TO:
  - A. THE AMENDMENT AND/OR EXTENSION OF RESOLUTION NO. 2020-14 EXTENDING THE DECLARATION OF LOCAL STATE OF DISASTER DUE TO PUBLIC HEALTH EMERGENCY
  - B. SOCIAL DISTANCING AND NECESSARY PRECAUTIONS RELATED THERETO; AND
  - C. POTENTIAL CANCELLATION OF UPCOMING CITY EVENTS;
  - D. BUDGET ADJUSTMENTS
6. APPROVAL OF AGREEMENT WITH Q&BREW RE ALCOHOL ON FIRST MONDAY GROUNDS
7. ADJOURN

**The Council may vote and/or act upon each of the items listed in this Agenda. The Council may retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.**

The City of Canton City Hall is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary 48 hours prior to this meeting at (903) 567-1841 so that appropriate arrangements may be made.

I, Debra Johnson, do hereby certify this Notice was posted at the Canton City Hall bulletin board, on March 30, 2020, at 6:40 p.m.

ATTEST:

  
Debra Johnson, City Secretary

Removed this the \_\_\_\_\_ day of April, 2020, at \_\_\_\_\_ .m.

\_\_\_\_\_  
Debra Johnson, City Secretary

**CITY OF CANTON, TEXAS**

**RESOLUTION NO. 2020-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, RATIFYING, CONTINUING AND RENEWING THE MAYORAL DECLARATION OF A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK, PURSUANT TO THE TEXAS DISASTER ACT OF 1975, CHAPTER 418 OF THE TEXAS GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** beginning in December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

**WHEREAS,** symptoms of COVID-19 include fever, coughing and shortness of breath, and in some cases, the virus has been fatal; and

**WHEREAS,** the COVID-19 virus may be spread between people in close contact with one another through respiratory droplets produced by an infected person; and

**WHEREAS,** on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

**WHEREAS,** on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national health emergency beginning on March 1, 2020; and

**WHEREAS,** on March 13, 2020, the Governor of the State of Texas declared a state of disaster for all counties in Texas in response to the COVID-19 outbreak; and

**WHEREAS,** the Texas Disaster Act of 1975 (the "Disaster Act") authorizes the presiding officer of a political subdivision to declare a local state of disaster for up to seven (7) days; and

**WHEREAS,** on March 17, 2020, the Mayor of the City of Canton declared a local state of disaster for the City of Canton, Texas, commencing immediately (the "Mayoral Disaster Declaration"); and

**WHEREAS,** the Disaster Act authorizes the governing body of the City of Canton, Texas, to continue or renew a declared local state of emergency for a period of more than seven (7) days; and

**WHEREAS,** on March 19, 2020, the Governor of the State of Texas issued Executive Order GA-08 indicating the following:

- In accordance with the Guidelines from the President and CDC, every person in Texas

shall avoid social gatherings in groups of more than 10 people.

- In accordance with the Guidelines from the President and CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms or massage parlors; provided, however, that the use of drive-thru, pickup, or delivery options is allowed and highly encouraged throughout the limited duration of this executive order.

- In accordance with the Guidelines from the President and CDC, people shall not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.

- In accordance with the Guidelines from the President and CDC, schools shall temporarily close.

**WHEREAS**, the Governor's Executive Order GA-08 indicated that it did not mandate sheltering in place, and that the Executive Order was in full force and effect until 11:59 p.m. on April 3, 2020, subject to being extended, modified, amended, rescinded or superseded by the Governor; and

**WHEREAS**, prudence dictates that extraordinary measures must continue to be taken to contain COVID-19 and prevent its spread throughout the City of Canton, Texas, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

**WHEREAS**, the City Council of the City of Canton, Texas, finds that it is in the best interest of the City of Canton to ratify, continue and renew the Mayoral Disaster Declaration in response to the COVID-19 virus outbreak pursuant to the Disaster Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, THAT:**

**SECTION 1.** On March 17, 2020, the Mayor of the City of Canton, Texas, declared a local state of disaster due to a public health emergency in response to the COVID-19 outbreak for the City of Canton, Texas, effective immediately (the "Mayoral Disaster Declaration"), pursuant to section 418.108(a) of the Texas Government Code.

**SECTION 2.** Pursuant to section 418.108(a) of the Texas Government Code, the Mayoral Disaster Declaration was declared for a period not to exceed seven (7) days from the effective date of the declaration.

**SECTION 3.** Pursuant to section 418.108(c) of the Texas Government Code, the Mayoral Disaster Declaration was given prompt and general publicity and filed promptly with the City Secretary of the City of Canton, Texas.



**SECTION 4.** Pursuant to section 418.108(a) of the Texas Government Code, the Mayoral Disaster Declaration may be continued or renewed for a period of more than seven (7) days from the effective date by the City Council of the City of Canton, Texas.

**SECTION 5.** Pursuant to section 418.108(d) of the Texas Government Code, the Mayoral Disaster Declaration activated the City of Canton emergency management plan, and authorizes the furnishing of aid and assistance under the declaration.

**SECTION 6.** The City Council of the City of Canton, Texas, hereby continues and renews the Mayoral Disaster Declaration authorizing the City to take any actions necessary to promote health and suppress the virus, including, but not limited to, the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's rules, pursuant to section 122.006 of the Texas Health and Safety Code.

**SECTION 7.** The City Council of the City of Canton, Texas, hereby continues and renews the Mayoral Disaster Declaration and recommends limiting the size of all social gatherings to not more than ten (10) people and recommends the postponement or cancellation of all such gatherings until further notice. A "gathering" refers generally to a scheduled event or common endeavor where ten (10) persons or more are present in a confined space, room, or area.

**SECTION 8.** This Resolution hereby incorporates by reference the provisions of any Executive Order or similar directive issued by the President of the United States, the Governor of the State of Texas, or the County Judge of Van Zandt County.

**SECTION 9.** The City Council of the City of Canton, Texas, hereby continues and renews the Mayoral Disaster Declaration authorizing the use of all lawfully available enforcement tools to effectuate the purposes of the Mayoral Disaster Declaration.

**SECTION 10.** This declaration shall immediately take effect upon adoption and remain in effect until 11:59 p.m. on **April 15, 2020**, whereupon such date it shall be assessed and considered for further amendment, renewal, extension or repeal by the City Council.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, THIS 23<sup>rd</sup> DAY OF MARCH, 2020.**

  
Lou Ann Everett, Mayor

**ATTEST:**

  
Debra Johnson, City Secretary





GOVERNOR GREG ABBOTT

March 31, 2020

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

  
Secretary of State

The Honorable Ruth R. Hughs  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701


Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-14 relating to statewide continuity of essential services  
and activities during the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

  
Gregory S. Davidson  
Executive Clerk to the Governor  
GSD/gsd

Attachment

# Executive Order

BY THE  
GOVERNOR OF THE STATE OF TEXAS

Executive Department  
Austin, Texas  
March 31, 2020

## EXECUTIVE ORDER GA 14

*Relating to statewide continuity of essential services and activities  
during the COVID-19 disaster.*

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WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, Executive Order GA-08 is subject to expiration at 11:59 p.m. on April 3, 2020, absent further action by the governor; and

WHEREAS, on March 29, 2020, to avoid scenarios that could lead to hundreds of thousands of deaths, the President announced that, based on advice from Dr. Anthony Fauci and Dr. Deborah Birx, the restrictive social-distancing Guidelines should extend through April 30, 2020; and

WHEREAS, DSHS Commissioner Dr. Hellerstedt and White House Coronavirus Response Coordinator Dr. Birx say that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, on March 28, 2020, the U.S. Department of Homeland Security issued its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, which provides an advisory list of critical-infrastructure sectors, workers, and functions that should continue during the COVID-19 response; and

WHEREAS, for state agencies and their employees and agents, the Office of the Attorney General of Texas has advised that local restrictions issued in response to the COVID-19 disaster do not apply to restrict the conduct of state business; and

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

WHEREAS, all government entities and businesses should be allowed to continue providing essential services during the COVID-19 disaster, and all critical infrastructure should be allowed to remain operational; and

WHEREAS, the "governor is responsible for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and

WHEREAS, under Section 418.017(a), the "governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective 12:01 a.m. on April 2, 2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the CDC and the White House Coronavirus Task Force:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household.

"Essential services" shall consist of everything listed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and in any approved additions. Requests for additions should be directed to TDEM at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov) or by visiting [www.tdem.texas.gov/essentialservices](http://www.tdem.texas.gov/essentialservices).

In providing or obtaining essential services, people and businesses should follow the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, implementing social distancing, and working from home if possible. In particular, all services should be provided through remote telework from



home unless they are essential services that cannot be provided through remote telework. If religious services cannot be conducted from home or through remote services, they should be conducted consistent with the Guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19.

In accordance with the Guidelines from the President and the CDC, people shall avoid eating or drinking at bars, restaurants, and food courts, or visiting gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons; provided, however, that the use of drive-thru, pickup, or delivery options for food and drinks is allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential services, visiting parks, hunting or fishing, or engaging in physical activity like jogging or bicycling, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance and shall not recommence before May 4, 2020.

This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-08, but not Executive Orders GA-09, GA-10, GA-11, GA-12, or GA-13, and shall remain in effect and in full force until April 30, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 31st day of  
March, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

MAR 31 2020

**Governor Greg Abbott**  
March 31, 2020

**Executive Order GA-14**  
Page 4

ATTESTED BY:



RUTH R. HUGHS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK  
MAR 31 2020

# Van Zandt County



DON KIRKPATRICK  
COUNTY JUDGE

Christle Taylor  
Court Administrator  
121 East Dallas, Room 206  
Canton, Texas 75103

FILED FOR RECORD

2820 APR -1 AM 10:58

CLERK OF COUNTY CLERK  
COUNTY CLERK

BY \_\_\_\_\_ DE#  
VOICE: (903) 567-4071  
FAX: (903) 567-7216  
www.vanzandtcountry.org

## 1st AMENDED PROCLAMATION DECLARING A LOCAL STATE OF DISASTER

### BE IT REMEMBERED:

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, symptoms of COVID-19 include fever, cough, and shortness of breath, and outcomes have ranged from mild to severe illness and in some cases death; and

WHEREAS, on January 30, 2020, the World Health Organization Director General declared the outbreak of COVID-19 as a Public Health Emergency of International Concern and advised countries to prepare for the containment, including active surveillance, early detection, isolation and case management, contact tracing, and prevention of onward spread of the disease; and

WHEREAS, on March 5, 2020, the World Health Organization Director General urged aggressive preparedness and activation of emergency plans to aggressively change the trajectory of this epidemic; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a worldwide pandemic; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas; and

WHEREAS, on March 19, 2020 the Governor of the State of Texas signed an Executive Order to protect the citizens of the State of Texas, limiting gatherings to 10 people or less, no dining in restaurants or bars, closing of gyms, no visiting at nursing homes or retirement homes, and all schools in the state temporarily closed; and

WHEREAS, Van Zandt County is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

WHEREAS, the implementation of mitigation strategies can slow the transmission of the disease; and

WHEREAS, the Small Business Association (SBA) has designated COVID-19 as a qualifying event for the provision of Economic Injury Disaster Loans for businesses and private non-profits in affected communities; and

WHEREAS, the Centers for Disease Control and Prevention is closely monitoring the growing number of COVID-19 cases that have spread into the United States; and

WHEREAS, over 16,621 cases of COVID-19 have been reported in the United States, including 225 deaths; and

WHEREAS, a large gathering of unidentifiable individuals without necessary mitigation for the spread of the infection may pose a risk of the spread of infectious disease; and

WHEREAS, unless the actions as hereby provided are immediately initiated, avoidable serious illness and deaths could occur; and

WHEREAS, COVID-19 spreads between people who are in close contact with one another through respiratory droplets produced when an infected person coughs and sneezes; and

WHEREAS, the continued worldwide spread of COVID-19 presents an imminent threat of widespread illness, which requires emergency action; and

WHEREAS, a disaster is defined as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or man-made cause; and

WHEREAS, a man-made cause may include an epidemic or other health emergency; and

WHEREAS, a declaration of local disaster includes the ability to take measures to reduce the possibility of exposure to disease and mitigate the risk to, and promote the health and safety of, the resident of Van Zandt County; and

WHEREAS, the measure identified in the Proclamation are designed to prevent deaths in Van Zandt County; and

WHEREAS, the identification of "community spread" cases of COVID-19 in Van Zandt County and the region could potentially signal that transmission of the virus may no longer be limited to travel to outbreak areas or contact with travelers who have visited outbreak areas.

**NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF VAN ZANDT COUNTY:**

**Section 1. Declaration of Local State of Disaster.** A local state of disaster due to this health emergency is hereby declared by the County Judge of the County of Van Zandt, pursuant to Section 418.108 of the Texas Disaster Act.

**Section 2. Duration of Local State of Disaster.** Pursuant to Section 418.108(b) of the Texas Disaster Act, the local state of disaster due to this health emergency issued in this Proclamation shall continue until revoked, but in no event will it exceed a period longer than seven (7) days of the date hereof, unless continued or renewed by the consent of the Commissioner's Court of the County of Van Zandt.



**Section 3. Publicity and Filing.** Pursuant to Section 418.108(c) of the Texas Disaster Act, this declaration of a local state of disaster due to this health emergency shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

**Section 4. Activation of the County Emergency Management Plan.** Pursuant to Section 418.108(d) of the Texas Disaster Act, this declaration of a local state of disaster due to this health emergency activates the Van Zandt County Emergency Management Plan.

**Section 5. Protective Control Measures and Facilities.** Pursuant to Section 122.006 of the Texas Health and Safety Code, Van Zandt County is authorized to adopt rules to protect the health of persons in Van Zandt County, including quarantine rules to protect its residents against communicable disease and provide for the establishment of quarantine stations, emergency hospitals, and other hospitals.

**Section 6. Limit on Large Gatherings.** Pursuant to the Executive Order of the Governor of the State of Texas, issued March 19<sup>th</sup> 2020, Van Zandt County shall avoid social gatherings in groups of more than 10 people.

**Section 7. Social Distancing.** Pursuant to the Recommendations from the Centers for Disease Control (CDC), Individuals shall maintain a minimum distance of 6 feet from others.

**Section 8. Closing of Businesses.** Pursuant to an advisory list from the Department of Homeland Security, all nonessential businesses shall temporarily close to the public at this time. Only businesses identified as essential by the Department of Homeland Security may remain open.

Please refer to the following website for a listing of essential businesses.

<https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>

**Section 9. Effective Date.** This Proclamation shall take effect immediately upon its issuance by the County Judge of Van Zandt County.

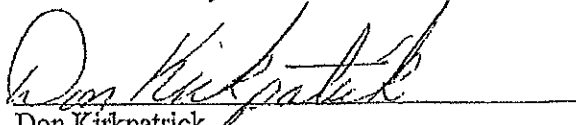
**Section 10. Penalties.** Pursuant to Texas Government Code section 418.173, failure to comply with this or any executive order issued during the COVID-19 Disaster, is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

**Section 11. Resolution of Conflicts.** Pursuant to Texas Government Code section 418.108, this order applies to both incorporated and unincorporated areas of the county, and if this order conflicts with an order of any municipality, this order is controlling.

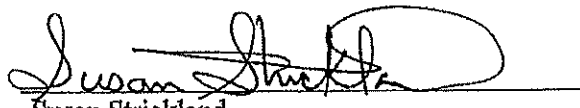
**I HEREBY DECLARE A LOCAL STATE OF DISASTER WITHIN VAN ZANDT COUNTY** to continue until April 15<sup>th</sup>, 2020 subject to the continuation or renewal of the Commissioner's Court of the County of Van Zandt upon the expiration of seven (7) days as provided by the Texas Government Code Section 418.108.

ACCORDINGLY, I further proclaim activation of the County Emergency Management Plan and the activation of all other charter, statutory, and ordinance powers vested in me and all officers of the County of Van Zandt to act in the premises and for the purposes stated. Prompt and general publicity is hereby proclaimed and ordered as to the issuance of this Proclamation.

ORDERED this 1st day of April, 2020 in the County of Van Zandt in witness whereof I hereunto subscribe my name.

  
Don Kirkpatrick  
County Judge  
Van Zandt County

Filed with me, Susan Strickland, County Clerk on this 1st day of April, 2020 by County Judge whose signature I hereby certify is true and genuine, with general publicity of the foregoing Proclamation being put into effect the same date as the signing thereof.

  
Susan Strickland  
County Clerk  
Van Zandt County

## **RESOLUTION NO. 2020-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY; MAKING FINDINGS RELATED THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000) OR CONFINEMENT IN JAIL FOR A TERM THAT EXCEEDS 180 DAYS, IN ACCORDANCE WITH SECTION 418.173 OF THE TEXAS GOVERNMENT CODE FOR EACH AND EVERY OFFENSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, beginning in or about December 2019, a novel coronavirus, now designated COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and

**WHEREAS**, symptoms of COVID-19 include fever, coughing, and shortness of breath and, in some cases, the virus has caused death; and

**WHEREAS**, the City of Canton, Texas, is taking extraordinary measures to prevent the spread of this potentially devastating disease in our community; and

**WHEREAS**, prudence dictates that extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City of Canton, including the quarantine of individuals, groups of individuals and occupied structures and, additionally, including compelling individuals, groups of individuals, or occupied structures to undergo additional health measures that prevent or control the spread of the virus; and

**WHEREAS**, on or about Friday, March 13, 2020, Texas Governor Greg Abbott declared a state of disaster in every Texas county, and on April 1, 2020, Van Zandt County issued its First Amended Proclamation Declaring a Local Disaster due to COVID-19; and

**WHEREAS**, on or about Tuesday, March 31, 2020, Texas Governor Greg Abbott issued Executive Order GA-14 providing further guidance in addressing COVID-19 preparedness and mitigation; and

**WHEREAS**, the Governor's Executive Order GA-14 provides that the Executive Order shall remain in full force and effect until April 30, 2020, unless it is modified, amended, rescinded or superseded by the Governor; and

**WHEREAS**, Section 418.173 of the Texas Government Code provides the following:

**Sec. 418.173. PENALTY FOR VIOLATION OF EMERGENCY MANAGEMENT PLAN.**

(a) A state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, resolution, or ordinance adopted under the plan is an offense.

(b) The plan may prescribe a punishment for the offense but may not prescribe a fine that exceeds \$1,000 or confinement in jail for a term that exceeds 180 days.

**WHEREAS**, this Resolution is adopted pursuant to the authority contained in the Texas Disaster Act of 1975, Section 122.005 of the Texas Health and Safety Code, and section 418.173 of the Texas Government Code; and

**WHEREAS**, nothing in this Resolution shall prohibit the Mayor from issuing a subsequent Declaration in the event matters not addressed by this Resolution arise and require immediate action.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS:**

**SECTION 1.** The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

**SECTION 2.** A local state of disaster due to public health emergency is hereby declared for the City of Canton, Texas, pursuant to Section 418.108 of the Texas Government Code.

**SECTION 3.** Pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster due to public health emergency shall continue from the date of adoption of this Resolution to 11:59 p.m. on Thursday, April 30, 2020, unless action is taken by the City Council of the City of Canton, Texas, to repeal, extend or otherwise amend this Resolution.

**SECTION 4.** Pursuant to Section 418.108(c) of the Texas Government Code, this Resolution of a local state of disaster due to public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

**SECTION 5.** Pursuant to Section 418.108(d) of the Texas Government Code, this Resolution of a local state of disaster activates the City of Canton's Emergency Management Plan

**SECTION 6.** This Resolution authorizes the City to take any actions necessary to promote health and suppress the virus, including the quarantine of persons and occupied structures, examining and regulating hospitals, regulating ingress and egress from the City, regulating ingress and egress to occupied structures, and insuring compliance for those who do not comply with the City's rules, pursuant to Section 122.005 of the Texas Health and Safety Code.

**SECTION 7.** The City Council of the City of Canton, Texas, and essential and necessary attendees shall be exempt from this Resolution for scheduled public meetings, whether a regular, work session, special or emergency meeting. The foregoing shall use best efforts to provide adequate social distancing during any scheduled meetings, including any closed sessions. Whenever possible, teleconferencing shall be utilized for meetings held under this Section.

**SECTION 8.** Beginning immediately and until April 30, 2020 at 11:59 p.m.:

- (a) All individuals currently living within the City of Canton are ordered to **STAY AT HOME**. For the purposes of this Resolution, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet (6') from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, or to



provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as further defined herein.

- (b) All businesses operating within the City of Canton, except Essential Businesses as defined herein are required to cease all activities at facilities located within the City of Canton. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Guidelines set forth by the CDC, including maintaining six-foot (6') social distancing for both employees and the general public.
- (c) All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Resolution prohibits the gathering of members of a household or living unit.
- (d) Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law.
- (e) Pursuant to Executive Order GA-14, if religious and worship services cannot be conducted from home or through remote services, they shall be conducted consistent with the Social Distancing Guidelines as set forth by presidential guidelines and the CDC, including six-foot (6') social distancing. Funerals are allowed with appropriate social distancing.
- (f) *Definitions:*
  - (1) For purposes of this Resolution, individuals may leave their residence only to perform any of the following "Essential Activities":
    - (A) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members including pets and livestock (for example, obtaining medical supplies or medication, visiting a health care professional or obtaining supplies needed to work from home).
    - (B) To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).
    - (C) To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (6'), except as family unit. Examples of outdoor activities include walking, biking, hiking or running. Operators of golf courses and equestrian stables shall clean hard surfaces in accordance with CDC guidelines, minimize "touch points," comply with all social distancing requirements and take appropriate actions to reduce the spread of COVID-19. Use of public and homeowners' association-owned playground equipment, amenity centers, community pools and other HOA facilities is prohibited.

- (D) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Resolution.
  - (E) To care for a family member or pet in another household.
- (2) For purposes of this Resolution, "Essential Businesses" means:
- (A) *Essential Healthcare Operations.* Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms and similar facilities
  - (B) *Essential Government Functions.* All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Further, nothing in this Resolution shall prohibit any individual from performing or accessing "Essential Government Functions." All Essential Government Functions shall be performed in compliance with social distancing requirements of six feet (6'), to the extent possible.
  - (C) *Essential Critical Infrastructure.* Work necessary to the operations and maintenance of the critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency's (CISA) March 28, 2020, "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response," as may be amended from time to time and which amendments are hereby incorporated by reference, a copy of which can be found online at [https://www.cisa.gov/sites/default/files/publications/CISA\\_Guidance\\_on\\_the\\_Essential\\_Critical\\_Infrastructure\\_Workforce\\_508C\\_0.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_508C_0.pdf), including public works construction, residential and commercial construction, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, Internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), banks, financial institutions, pawn shops, safety and security-related services, retail firearm sales, defense and national security-related operations, elimination of hazardous materials, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet (6'), to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to

protect employees and all activity shall be performed in compliance with social distancing guidelines as set forth by the CDC.

- (D) *Essential Retail.* Food service and household providers, including grocery stores, warehouse stores, big-box stores, liquor stores, gas stations and convenience stores, and farmers' markets. Food gathering, including farming, hunting, fishing and livestock to the extent allowed by law. Businesses that ship or deliver groceries, food, goods or services directly to residences. Restaurants and other facilities that prepare and serve food, but only for delivery, carry out or drive thru. Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only. The restriction of delivery or carry out does not apply to cafes and restaurants located within hospitals and medical facilities. Laundromats, dry cleaners, and laundry service providers. Gas stations, auto-supply, auto and bicycle repair shops, construction supply stores and hardware stores. Businesses that supply products needed for people to work from home.
  - (E) *Providers of Basic Necessities to Economically Disadvantaged Populations.* Businesses, including nonprofit organizations, that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
  - (F) *Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.* Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums and cemeteries. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities. Businesses that supply other essential businesses with support or supplies needed to operate.
  - (G) *News Media.* Newspapers, television, radio, and other media services.
  - (H) *Childcare Services.* Childcare facilities providing services that enable employees exempted in this Resolution to work as permitted.
- (3) Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Resolution hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies within Canton for the next sixty (60) days from the effective date of this Resolution.

- (4) If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function.
- (5) Nursing homes, retirement, assisted living centers and long-term care facilities are instructed by this Resolution to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.

**SECTION 9.** This Resolution hereby authorizes the use of all lawfully available enforcement tools.

**SECTION 10.** If any section, article paragraph, sentence, clause, phrase or word in this Resolution, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution; and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 11.** This Resolution is adopted in compliance with the City's Emergency Management Plan and Section 418.173 of the Texas Government Code. Therefore, any person, firm or corporation violating any of the provisions of this Resolution commits an offense, punishable by a fine up to \$1,000.00, or confinement in jail for a term not to exceed 180 days, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 12.** Any provision of any prior Resolution or resolution of the City whether codified or uncoded, which are in conflict with any provision of this Resolution, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances or resolutions of the City whether codified or uncoded, which are not in conflict with the provisions of this Resolution, shall remain in full force and effect.

**SECTION 13.** This Resolution shall become effective immediately upon its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS,  
THIS 3<sup>rd</sup> day of April, 2020.**

\_\_\_\_\_  
Lou Ann Everett, Mayor

**ATTEST:**

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Debra Johnson, City Secretary